IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF OHIO

EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO.: 4:15CR253
	)	
Plaintiff,	)	JUDGE JAMES S. GWIN
	)	
v.	)	
	)	
	)	
G. SHANNON McCOLOR,	)	
	)	GOVERNMENT'S RESPONSE TO
Defendant.	)	MOTION TO TRANSFER DEFENDANT

Now comes the United States of America, by and through counsel, Carole S. Rendon, Acting United States Attorney, and David M. Toepfer, Assistant United States Attorney, and hereby responds to McColor's motion to transfer custody.

PROCEDURAL HISTORY

On July 1, 2015, McColor was indicted on four counts of bank robbery, in violation of Title 18, U.S.C. § 2113(a). Because McColor was already in state custody at that time, Magistrate Judge George J. Limbert issued a writ of habeas corpus for McColor to appear for arraignment on July 22, 2015. On August 6, 2015, he pleaded guilty to the indictment without a written plea agreement. On November 13, 2015, the Court sentenced McColor to 78 months in prison on each count, all running concurrently with each other.

On December 14, 2015, McColor appeared in Mahoning County, Ohio Common Pleas Court for sentencing on one count of Aggravated Robbery with a firearm specification. (See R. 26: Motion to Transfer Custody, PageID 26-1). That court sentenced McColor to a total of eight years to be served concurrently with his federal sentence. (Id.) Consequently, McColor's federal sentence will expire before his state sentence.

On April 28, 2016, McColor filed his motion asking this court to order that he be transferred from the State of Ohio's custody to the custody of the Bureau of Prisons (BOP).

DISCUSSION

Counsel for the United States notified the U.S. Marshal Service (USMS) of McColor's request on May 6, 2016. Counsel also forwarded a copy of the Mahoning County Judgment to the USMS. According to the USMS and officials at the BOP, they are aware of the two sentences and have properly documented them. According to information provided by the BOP, they will track the time served on his federal sentence and, when it is completed, they will notify the USMS that any detainers can be lifted. McColor will then be able to finish his state sentence and be released directly from the State of Ohio's custody.

Therefore, while the United States has no objection to McColor properly receiving credit for time served towards his federal sentence, it does not appear that transferring him from state to federal custody is necessary at this time.

Respectfully submitted,

CAROLE S. RENDON
Acting United States Attorney

By: /s/ David M. Toepfer

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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of May 2016, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. G. Shannon McColor, Inmate #A680302, was served by regular U.S. Mail to Lake Erie Correctional Institution, 501 Thompson Rd., PO Box 8000, Conneaut, Ohio 44030-8000. Parties may access this filing through the Court's system.

/s/ David M. Toepfer
David M. Toepfer
Assistant U.S. Attorney